

## SECTION II—REMARKS

Applicants respectfully request reconsideration of the above referenced patent application for the following reasons:

### **Allowable subject matter**

Applicants acknowledge that claims 32, 34, 36 and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Applicants have incorporated the allowable subject matter of claims 32, 34, and 36 into the independent claims presented herein as suggested by the Examiner and as discussed in further detail below. Claim 37 remains as a dependent claim, but relies upon an independent base claim which is amended herein to recite allowable subject matter.

### **Claims rejected under 35 U.S.C. § 112**

The Office Action rejected claim 1 under 35 U.S.C. § 112, second paragraph, as having insufficient antecedent basis for the recited limitation “the submatrices from the G groups.”

Applicants respectfully submit that the amendments to the claim overcome the objection and thus, respectfully request the Examiner to withdraw the rejection to the claim under 35 U.S.C. §112.

### **Claims rejected under 35 U.S.C. § 103**

The Office Action rejected claims 1, 30, 31, 33 and 35 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,865,237 to Boariu (“Boariu”) in view of “A Space

Frequency Transmitter Diversity Technique for OFDM Systems” to Lee et al (“Lee”), and U.S. Patent No. 7,224,744 to Giannakis et al. (“Giannakis”).

Notwithstanding the above, the Examiner indicated in the Office Action at page 7, penultimate paragraph, that claims 32, 34, and 36 “would be allowable if rewritten in independent form ... .”

Accordingly, Applicants have incorporated the allowable subject matter of claim 34 into independent base claim 1. Claim 34 is therefore canceled herein without prejudice.

Applicants have further incorporated the allowable subject matter of claim 32 into new independent claim 38 which recites limitations similar to those of independent claim 1. Finally, Applicants have incorporated the allowable subject matter of claim 36 into new independent claim 47, which also recites limitations similar to those of independent claim 1.

Because each of independent claims 1, 38, and 47 are amended herein to recite subject matter indicated as allowable by the Office Action, Applicants respectfully submit that independent claims 1, 38, and 47 are patentable over the references and in condition for allowance. Applicants further submit that those claims which depend directly or indirectly upon independent claims 1, 38, and 47 incorporate all the limitations of the independent base claims from which they depend, and thus, are patentable over the references and in condition for allowance for at least the same reasons.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection to the claims under 35 U.S.C. §103.

**Dependent claim 29 rejected under 35 U.S.C. § 103**

The Office Action rejected claim 29 under 35 U.S.C. § 103 as being unpatentable over Boariu, Lee and Giannakis, in view of U.S. Patent No. 7,010,053 to El-Gamal et al. (“El-Gamal”).

Dependent claim 29 necessarily incorporates all the limitations of independent claim 1 from which it depends, and thus, is patentable over Boariu, Lee and Giannakis for at least the same reasons as stated above.

El-Gamal fails to cure the deficiencies of Boariu, Lee, and Giannakis because it too fails to disclose the allowable subject matter which Applicants have incorporated into independent claim 1 as discussed above. In particular, El-Gamal, whether considered individually or in any combination with that of Boariu, Lee, and Giannakis fails to disclose, “... **generating a code word comprising a matrix of size  $M \times N_c$  such that successive symbols in the same group are equi-spaced in the codeword,**” as claimed by Applicants in the independent base claim.

Accordingly, Applicants respectfully request the Examiner to withdraw the rejection to the claim under 35 U.S.C. §103.

**New claims 38-50:**

Applicants respectfully submit that new claims 38-50 find support in the original specification submitted with the application, in the original figures submitted with the application, and/or in the original claims submitted with the application. As such, the new claims do not introduce new subject matter.

Applicants further submit that new claims 38-50 are patentable over the references of record for at least the same reasons discussed above with respect to independent claim 1 rejected under 35 U.S.C. § 103.

Accordingly, Applicants respectfully request the Examiner to allow new claims 38-50 as presented herein.

## CONCLUSION

Given the above amendments and accompanying remarks, all claims pending in the application are in condition for allowance. If the undersigned attorney has overlooked subject matter in any of the cited references that is relevant to allowance of the claims, the Examiner is requested to specifically point out where such subject matter may be found. Further, if there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (503) 439-8778.

### **Charge Deposit Account**

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully Submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

/Mark C. Van Ness/

Mark C. Van Ness  
Registration No. 39,865  
Attorney for Applicants

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Date

Blakely, Sokoloff, Taylor & Zafman LLP  
1279 Oakmead Parkway  
Sunnyvale, CA 94085-4040  
Telephone: (503) 439-8778  
Facsimile: (503) 439-6073